

MEL CARNAHAN  
Governor

GARY B. KEMPKER  
Director



STATE OF MISSOURI  
DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF THE DIRECTOR

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August 4, 2000

Re: Racial Profiling Requirements of SB 1053

As you are probably aware, Senate Bill 1053 has been signed into law and becomes effective on August 28, 2000. This bill requires officers to collect certain information on all vehicle stops for motor vehicle statute or ordinance violations. The law enforcement agency is required to compile the information and submit an annual report to the Attorney General by March 1, 2001.

The bill states: "Such information may be reported using a form determined by the department of public safety which uses existing citation and report forms." While it did not appear to be feasible at the time to integrate the collection of the information into existing forms, we are providing this "camera ready" copy of a collection form for your use. Use of this form is voluntary. You may use other forms or develop your own should you desire to do so.

The attached form can be ordered from the Missouri State Printing Center. It can also be personalized with the name of your agency for a minimal plate charge. If you are interested in placing an order, you can contact Gene Gillespie at 573-526-2161, referencing form number MO 812-1037 (8-00). The form can also be accessed at our web site [www.dps.state.mo.us](http://www.dps.state.mo.us).

I have also attached a copy of Senate Bill 1053 so that you are familiar with the exact provisions of the law.

Please feel free to contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary B. Kempker", is written over the typed name.  
Gary B. Kempker  
Director

GBK/jm  
Enclosures

**REPORT OF STOP FOR TRAFFIC VIOLATION****OFFICER**

NAME

BADGE

**LOCATION OF STOP**

COUNTY

LOCATION/LOG PT.

**DRIVER**

AGE

GENDER

RACE/MINORITY GROUP

☐ WHITE☐ NATIVE AMERICAN DESCENT☐ AFRICAN DESCENT☐ ASIAN DESCENT☐ HISPANIC DESCENT☐ OTHER \_\_\_\_\_**DESCRIPTION OF VIOLATION(S) LEADING TO STOP****RESULT**

CHECK ALL THAT APPLY

☐ WARNING FOR VIOLATION OF \_\_\_\_\_☐ CITATION FOR VIOLATION OF \_\_\_\_\_☐ ARREST FOR \_\_\_\_\_**SEARCH**

CHECK ALL THAT APPLY

☐ NO SEARCH☐ SEARCH OF PERSON☐ SEARCH OF PROPERTY

DURATION OF SEARCH

**IF SEARCH CONDUCTED**

BASIS FOR SEARCH (CHECK ALL THAT APPLY)

☐ CONSENT☐ OFFICER SAFETY☐ INVENTORY☐ INCIDENT TO ARREST☐ OTHER \_\_\_\_\_☐ PROBABLE CAUSE (SPECIFY): \_\_\_\_\_

TYPE OF CONTRABAND DISCOVERED, IF ANY

**FORM APPROVED BY THE MISSOURI DEPARTMENT OF PUBLIC SAFETY  
PURSUANT TO SECTION 590.650.2-07/28/00**

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

## SENATE BILL NO. 1053

90TH GENERAL ASSEMBLY

2000

4627S 11T

### AN ACT

To amend chapter 590, RSMo, relating to peace officers by adding thereto two new sections relating to profiling for traffic stops.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 590, RSMo, is amended by adding thereto two new sections, to be known as sections 590.650 and 590.653, to read as follows:

**590.650. 1. As used in this section "minority group" means individuals of African, Hispanic, Native American or Asian descent.**

**2. Each time a peace officer stops a driver of a motor vehicle for a violation of any motor vehicle statute or ordinance, that officer shall report the following information to the law enforcement agency that employs the officer:**

- (1) The age, gender and race or minority group of the individual stopped;**
- (2) The traffic violation or violations alleged to have been committed that led to the stop;**
- (3) Whether a search was conducted as a result of the stop;**
- (4) If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search;**
- (5) Whether any contraband was discovered in the course of the search and the type of any contraband discovered;**
- (6) Whether any warning or citation was issued as a result of the stop;**
- (7) If a warning or citation was issued, the violation charged or warning provided;**
- (8) Whether an arrest was made as a result of either the stop or the search;**
- (9) If an arrest was made, the crime charged; and**
- (10) The location of the stop.**

Such information may be reported using a format determined by the department of public safety which uses existing citation and report forms.

**3. (1) Each law enforcement agency shall compile the data described in subsection 2 of this section for the calendar year into a report to the attorney general.**

**(2) Each law enforcement agency shall submit the report to the attorney general no later than March first of the following calendar year.**

(3) The attorney general shall determine the format that all law enforcement agencies shall use to submit the report.

4. (1) The attorney general shall analyze the annual reports of law enforcement agencies required by this section and submit a report of the findings to the governor, the general assembly and each law enforcement agency no later than June first of each year.

(2) The report of the attorney general shall include at least the following information for each agency:

(a) The total number of vehicles stopped by peace officers during the previous calendar year;

(b) The number and percentage of stopped motor vehicles that were driven by members of each particular minority group;

(c) A comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises; and

(d) A compilation of the information reported by law enforcement agencies pursuant to subsection 2 of this section.

5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:

(1) Prohibits the practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law;

(2) Provides for periodic reviews by the law enforcement agency of the annual report of the attorney general required by subsection 4 of this section that:

(a) Determine whether any peace officers of the law enforcement agency have a pattern of stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups residing or traveling within the jurisdiction of the law enforcement agency; and

(b) If the review reveals a pattern, require an investigation to determine whether any peace officers of the law enforcement agency routinely stop members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law;

(3) Provides for appropriate counseling and training of any peace officer found to have engaged in race-based traffic stops within ninety days of the review; and

(4) Provides for annual sensitivity training for any employees who may conduct stops of motor vehicles regarding the prohibition against racial profiling.

The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment.

6. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency.

7. Each law enforcement agency in this state may utilize federal funds from community-oriented policing services grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone.

590.653. 1. Each city, county and city not within a county may establish a civilian review board, or may use an existing civilian review board which has been appointed by the local governing body, with the authority to investigate allegations of misconduct by local law enforcement officers towards members of the public. The members shall not receive compensation but shall receive reimbursement from the local governing body for all reasonable and necessary expenses.

2. The board shall have the power to receive, investigate, make findings and recommend disciplinary action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings and recommendations of the board, and the basis therefor, shall be submitted to the chief law enforcement official. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such findings or recommendations.